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Environmental
Cleanup Office

June 13, 2011

BY FEDERAL EXPRESS

Kristine Koch
Remedial Project Manager
United States EPA, Region 10
Office of Environmental Cleanup
Mail Code ECL-115
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: *Second Supplemental Response by Brix Maritime Company to EPA's CERCLA § 104(e)
Request for Information Regarding the Portland Harbor Superfund Site*

Dear Ms. Koch:

Our firm represents Brix Maritime Company ("Brix") with regard to the above-referenced matter. On September 15, 2008, we submitted a response to EPA's January 18, 2008 request for information pursuant to CERCLA § 104(e) regarding the Portland Harbor Superfund Site ("Site"). On April 20, 2009, Brix submitted a Supplemental Response to EPA in which it provided updated information pertaining to spills and releases listed in Table 22-1 of its original Response. In furtherance of its continuing obligation to ensure that the information previously submitted to EPA continues to be accurate, Brix submits its Second Supplemental Response to address the following two issues: (1) a small, 0.3-acre undeveloped parcel of land within the Investigation Area that was not previously addressed ("the Parcel") in Brix's original Response; and (2) updates and revisions to Supplemental Table 22-1.

A. 0.3-ACRE UPLAND PARCEL

The 0.3-acre Parcel lies approximately 200 feet south of Brix's property at 9030 NW St. Helens Road in Portland, Oregon ("Property"), and comprises tax lots 500, 600, 700, and 800 of tax map 1N1W11AC. The four adjoining parcels of land lie between two different land elevations – the higher elevation is bordered by NW St. Helens Road (also known as State Highway 30), and the lower elevation is bordered by a service road and Burlington Northern Railroad's tracks. Figure 1 depicts the location of the Parcel and Figure 2 shows its location and layout relative to nearby properties. The Parcel currently has no structures, no vehicle access, and is heavily vegetated. It is approximately 400 feet from the Willamette River.

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Brix's predecessor, Knappton Towboat Co., acquired the Parcel from Cascade Steel Rolling Mills by warranty deed in 1978. In 1989, Knappton Corporation conveyed the Parcel to Brix as the successor to Knappton Corporation. Copies of the deeds are included in Attachment A. Brix's institutional memory of its ownership of the Parcel had lapsed because Brix does not pay taxes on the Parcel, does not use the Parcel, and to its knowledge has never used the Parcel since acquiring it more than 30 years ago.

1. Historical Use of the Parcel

Based on historical maps and aerial photographs, the Parcel was undeveloped and largely covered with vegetation during the beginning of the 20th Century. Residential structures were present on the Parcel from the 1930s to the early 1940s and from 1955 to 1962. Residential structures are also evident on surrounding properties northwest and southeast of the Parcel during that same time period, including residential automobile garages located along the southwest side of the Parcel. A frontage (*i.e.*, local access) road parallels NW St. Helens Road, both of which are southwest of the Parcel. Railroad tracks are present along the northeast side of the Parcel.

In 1963, NW St. Helens Road was widened south of the Parcel. This expansion required removing structures located along the frontage road and then filling in the frontage road (in essence, NW St. Helens Road expanded eastward over the old frontage road). A new exit from NW St. Helens Road was added to the south of the Parcel and is now used to access Brix's Property to the north. The residential structure (or the foundation of that structure) that was once located on the Parcel remained until the mid-1960s when a dirt road was constructed that cut directly through the Parcel from the NW St. Helens Road exit to the tracks. It appears that this dirt road was rarely used and was covered in vegetation by 1971. It was cleared of vegetation in approximately 1980, only to be overgrown again by 1982. Dredge fill was placed in the area northeast of the Parcel and the nearby railroad tracks in 1972; it was used for storage from 1973 to 1980, and again in 1991; and it was developed commercially in 2004. Today, the Parcel lies on the steep hillside between NW St. Helens Road and the railroad tracks. Copies of historical maps and aerial photographs illustrating these historic developments are in Attachments B and C, respectively.

2. Environmental History of the Parcel

There are no known environmental concerns associated with the Parcel. The Oregon Department of Environmental Quality (DEQ) Facility Profiler, a GIS-based search engine of regulatory databases, confirmed that no regulatory databases have ever listed any underground storage tanks, hazardous waste generators, air or water discharge permits, solid waste sites or cleanup sites on or associated with the Parcel. The Oregon State Fire Marshal's hazardous material incident database, which catalogues hazardous spills, also makes no reference to the Parcel.

3. Site Visit to the Parcel

Brix's environmental consultant Hart Crowser, Inc. visited the Parcel and adjacent property in January 2010 to document current conditions and to determine the existence of any potential environmental concerns. Photographs taken during the site visit are included in Attachment D. The area between NW St. Helens Road and the Burlington Northern Railroad right-of-way slopes downward (downhill) from the road to the tracks (Photograph 1). The slope between NW St. Helens



Road and the Parcel is fairly steep and has been stabilized with riprap generally one foot in diameter (Photograph 2). Hart Crowser observed the previous grade of the dirt road that once ran through the Parcel from the late 1960s to the 1980s (Photograph 3 and 4). The fill for the former dirt road consisted of a mix of silt, sand, and gravel, whereas soils elsewhere on the Parcel consist of sandy silt. The Parcel is heavily vegetated with trees growing along both sides of the former dirt road and blackberry briars located toward the southern portion of the former dirt road. As a result of road construction through the Parcel, a "ditch" was created along the western edge of the former dirt road. No stormwater runoff was observed in this "ditch" during Hart Crowser's site walk, even though it had been raining during and prior to its site visit (Photograph 5).

Near the base of the riprap slope, Hart Crowser found an Oregon Department of Transportation survey marker noting the corner of Lot 20 (*i.e.*, tax lot 800), thereby confirming the location of the Parcel (Photograph 5). The Parcel was generally clear of garbage and debris other than a single observed tire (Photograph 6). No signs of previous structures (as were evident on aerial photographs before 1963) were observed on or adjacent to the Parcel. The former residential automobile garages that were adjacent to the southwest side of the Parcel, which were identifiable based on aerial photographic overlays, would have been located under the riprap slope supporting NW St. Helens Road (Photograph 7).

Because the railroad is elevated slightly above surrounding grade, a low area exists in the railroad right-of-way adjacent to the northeast side of the Parcel (Photographs 1 and 8). No water was observed in this low area adjacent to the Parcel, even though it had been raining during and prior to the site visit. Toward the southeast end of the Parcel, an approximately 6-foot-high embankment is present from the Parcel boundary to this low area. A Kinder Morgan high pressure petroleum pipeline and utility poles/lines (unidentified ownership) are also present along the northeast perimeter of the Parcel (Photograph 8). Tags on the utility poles indicated wood-treating dates in the late 1980s. In several locations, older poles that had been cut off were adjacent to the utility poles. Approximately 180 feet to the south, stormwater runoff was flowing in a drainage area from upslope areas (a residential area on the hillside west of the Parcel and/or NW St. Helens Road) into two culverts underneath the railroad tracks. No evidence of sheens was observed.

4. Summary and Conclusions

Hart Crowser did not identify any recognized environmental concerns associated with the Parcel. Based on a review of historical documents, the historical residential use (pre-1963) of the Parcel, its subsequent non-use for more than 45 years, and current observed conditions, the Parcel was not – and is not likely to be – a source of contamination to the Willamette River.

B. UPDATES TO BRIX'S SUPPLEMENTAL TABLE 22-1

Brix has previously submitted to EPA two tables summarizing historic spills and releases that are associated with the Site's Investigation Area. The first table was labeled "Table 22-1" and was included in Brix's original September 15, 2008 Section 104(e) Information Response. The second was labeled "Supplemental Table 22-1" and was submitted to EPA as part of Brix's Supplemental Response dated April 20, 2009.



An updated table labeled "Second Supplemental Table 22-1" and related source documents are included as Attachment E. The table compiles every documented spill or release in publicly available databases from 1982¹ through May 2011 for which there is at least some indication the spill or release took place within the Investigation Area, and which was discovered or observed on or near the Brix Property or around Brix activities, regardless of whether Brix was somehow responsible for it (*i.e.*, a release with no identifiable source or cause). Like its corporate predecessors, Brix has a policy of reporting all observed releases in the Willamette River and elsewhere. Indeed, Brix tugboat operators were – and continue to be – encouraged to report sheens and foams on their routes, even if the apparent releases do not involve the Property or Brix activities.

Second Supplemental Table 22-1 reflects new information that became available after April 2009 as well as updated and corrected information resulting from a re-evaluation of the underlying source materials associated with the previous table. Most of the revisions to the earlier table were minor changes designed to more accurately reflect the content of the referenced source documents. Substantive changes included the addition of certain entries pertaining to minor historic incidents and the deletion of a couple of entries that upon further analysis did not meet the criteria noted above for inclusion. In addition, Brix has added new columns labeled "Tab," "Location of Release (if known)" and "Source Documents" to facilitate the use of Second Supplemental Table 22-1 and to provide additional factual information about each spill or release based on the referenced source documents.

The vast majority of the spills and releases summarized in Second Supplemental Table 22-1 are of small quantities of product, typically less than five gallons (only four are documented spills greater than five gallons). A subset of the entries (shaded gray for ease of reference) constitute releases that have been ascribed to Brix, even though written records do not identify the source of those releases (*e.g.*, a sheen observed in the open river near the Brix facility with no identified source is listed even though there is nothing to indicate it is attributable to the Property or Brix activities). To the best of its knowledge, Brix does not believe there is any affirmative factual support to attribute this subset of spills or releases to the Property or Brix activities.

In addition to hard copies, we have enclosed on CD electronic copies of Figures 1 and 2 and Attachments A through E. Please note that Second Supplemental Table 22-1 is intended to replace both Table 22-1 and Supplemental Table 22-1 in Brix's earlier responses.

Please let us know if you have any questions about this supplemental response.

Sincerely,

GARVEY SCHUBERT BARER

By

Michelle U. Rosenthal

cc: Frank Williamson

¹ Information before 1982 is not available.



G A R V E Y S C H U B E R T B A R E R

Kristine Koch

June 13, 2011

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Enclosures: Figure 1 – Parcel Location Map
 Figure 2 – Site Plan of the Parcel
 Attachment A – Historical Deeds
 Attachment B – Historical Maps
 Attachment C – Aerial Photographs
 Attachment D – Representative Photographs
 Attachment E – Second Supplemental Table 22-1 and Source Documents

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104(e) Response Brix Maritime Company – Second Supplemental:
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